

## Martin, Molly

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**From:** Martin, Molly  
**Sent:** Thursday, June 05, 2014 2:03 PM  
**To:** SValor@santamonica bay.org  
**Subject:** FW: SIERRA CLUB EXCLUDED FROM SANTA MONICA BAY NEP SITE VISIT

FYI

### Molly Martin

Coastal Watershed Coordinator  
U.S. EPA, Region 9



United States Environmental Protection Agency

75 Hawthorne Street,  
San Francisco, CA 94105  
tel: (415) 972-3403  
fax: (415) 947-3537  
E-mail: [Martin.Molly@epa.gov](mailto:Martin.Molly@epa.gov)

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**From:** Ziegler, Sam  
**Sent:** Thursday, June 05, 2014 12:13 PM  
**To:** jd@johnanthonydavis.com  
**Cc:** Diamond, Jane  
**Subject:** RE: SIERRA CLUB EXCLUDED FROM SANTA MONICA BAY NEP SITE VISIT

Dear Mr. Davis:

We appreciate your interest regarding the Santa Monica Bay Restoration Program (SMBRP). As you know, next week EPA is conducting a site visit as part of a National Estuary Program (NEP) evaluation. These evaluations are conducted every five years consistent with the NEP Program Evaluation Guidance (August 31, 2011) as previously provided. The primary purpose of the evaluation is to determine whether adequate progress is being made implementing the Comprehensive Conservation and Management Plans to therefore merit continued funding under §320 of the Clean Water Act. We have worked closely with the SMBRP to arrange the site visit to address the purpose of the program evaluation. At this time we are unable to arrange additional meetings. We are familiar with the comments you have previously provided concerning SMBRP and they will be considered during the evaluation process.

Sincerely, Sam Ziegler



United States Environmental Protection Agency

Sam Ziegler, Chief  
Watersheds Office (WTR-3)  
U.S. EPA Region 9, Water Division  
75 Hawthorne Street  
San Francisco, CA 94105  
(415) 972-3399 (phone)  
(415) 947-3537 (fax)  
[ziegler.sam@epa.gov](mailto:ziegler.sam@epa.gov) (email)  
See Region 9 watershed priorities at <http://www.epa.gov/region09/water/watershed/index.html>

***Mission:** The Watersheds Office strives to restore polluted waters and protect aquatic ecosystems. We work broadly, emphasize collaboration and focus on specific watersheds. Programmatic responsibilities include the nonpoint source and national estuary programs. We utilize these and other EPA regulatory and non-regulatory programs, along with external partnerships to protect ecosystems and human health. We have responsibility for tracking TMDL implementation and EPA performance measures to target activities for results, highlight water quality improvements and demonstrate the watershed approach.*

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**From:** [jd@johnanthonydavis.com](mailto:jd@johnanthonydavis.com) [<mailto:jd@johnanthonydavis.com>]

**Sent:** Wednesday, June 04, 2014 2:02 PM

**To:** Ziegler, Sam

**Cc:** McCarthy, Gina; Best-Wong, Benita; Guangyu Wang; Konner, Thomas; Blumenfeld, Jared; Philip@Waterboards Wyels; Frances@Waterboards McChesney

**Subject:** SIERRA CLUB EXCLUDED FROM SANTA MONICA BAY NEP SITE VISIT

**Importance:** High

US EPA  
Region 9

Att: Sam Ziegler NEP Program Manager Santa Monica Bay Los Angeles Ca.

Cc: US EPA Administrator Gina McCarthy

Cc: Benita Best-Wong HQ

Cc: Jared Blumenfeld Administrator Region 9

Cc: G. Wang Acting Executive Director Santa Monica Bay Restoration Commission

Dear Mr. Ziegler,

We understand that a review team from headquarters will be conducting the five-year review of the Santa Monica Bay Restoration Project next week in Los Angeles California.

Respectfully, the Program Evaluation Guidance provided by Region 9, SECTION D specifies the ON-SITE VISIT is to INCLUDE STAKEHOLDERS.

In this matter the SIERRA CLUB is a STAKEHOLDER. Unfortunately, neither the US EPA nor the State Santa Monica Bay Restoration Commission had notified or invited stakeholders such as the Club, so they may fully participate in the review and site visit. Stakeholder input is vital to an adequate review.

The Sierra Clubs involvement in the Santa Monica Bay NEP is well documented by our continued attendance at the meetings of the Santa Monica Bay Restoration Commission.

Furthermore, the Sierra Club and other stakeholder groups have a lengthy history of work that facilitated the acquisition of the Ballona Wetlands Ecological Reserve by the State of California. We have been participatory in projects at the Malibu Lagoon and the bay in general.

You mentioned there is no legal requirement to include a public notice or for public participation in the site review. However, the guidance does call for this important component, which represents a good faith effort by the EPA and the State to engage stakeholders.

The Club wants to be assured that our written comments will be included as part of the formal review process.

You are offering a potential stakeholder outside the review process. While the Club welcomes this opportunity, having such a meeting is no substitute for participation by stakeholders attending the site-visit, and in fact, is not reflected in the guidance at all.

Therefore, the Sierra Club, as a stakeholder, would like to fully and meaningfully participate in the site visit, with other stakeholders.

Please respond as soon as possible to the Sierra Club providing the time and place the site visit will take place. Or, please explain why the Sierra Club is being excluded from the site-visit.

The Club is deeply involved in this NEP at the Ballona Wetlands and Malibu, and deserves to have a voice in the process, as do all other stakeholders.

Please review the text of the email to Thomas Konner of Region 9 below that lists some of the issues the Sierra Club would like to provide to reviewers as part of the EPA review process.

John Davis  
PO 10152 Marina del Rey Ca. 90295

John Davis  
PO 10152  
Marina del Rey Ca. 90295

Hi Mr. Konner,

Thanks for responding. I would like to have the contact at HQ, in addition to Region 9. My understanding is that staff from HQ will be present and I would like to speak to them in advance of the meeting, not only the Region 9 program manager.

This is because major problems have been identified relating to Region 9 management of the program, including grants being provided to a non-profit business, and never reaching the State. The Administrator and the California Governor entered into contract No. 68-03-3319 on March 31, 1989.

The current NEP is a continuation of that agreement. It established governance of the NEP, which has been changed by the State and without formal authorization by EPA.

Another issue is that according to a FOIA response, the Administrator has never extended a management conference for the Santa Monica Bay NEP nor has it reconvened a management conference.

However, all of the grants have gone to a private business leaving the State of California with no formal control over the funds and how they are spent for over a decade.

The non-profit is named the Santa Monica Bay Restoration Foundation. That business reports the grant funds as revenues of the private business.

Below is the FOIA response and the attach-met is included in this email.

Therefore, it is important to speak to the review team from HQ as well as Region 9.

Thank you for your kind assistance,

John Davis  
PO 10152  
Marina del Rey Ca. 90295

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**From:** <jd@johnanthonydavis.com> (Remove Preferred Sender)

**Date:** Fri, May 30, 2014 1:52 pm

**To:** "Konner, Thomas" <Konner.Thomas@epa.gov>

Hi Mr. Konner,

Thanks for responding. I would like to have the contact at HQ, in addition to Region 9. My understanding is that staff from HQ will be present and I would like to speak to them in advance of the meeting, not only the Region 9 program manager.

This is because major problems have been identified relating to Region 9 management of the program, including grants being provided to a non-profit business, and never reaching the State. The Administrator and the California Governor entered into contract No. 68-03-3319 on March 31, 1989.

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Thank you for your kind assistance,

John Davis  
PO 10152  
Marina del Rey Ca. 90295

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----- Original Message -----

Subject: RE: NEP Program Evaluation Team Mtg  
From: "Ziegler, Sam" <[Ziegler.Sam@epa.gov](mailto:Ziegler.Sam@epa.gov)>  
Date: Mon, June 02, 2014 3:02 pm  
To: "[jd@johnanthonydavis.com](mailto:jd@johnanthonydavis.com)" <[jd@johnanthonydavis.com](mailto:jd@johnanthonydavis.com)>

Hi Mr. Davis:

As we discussed earlier today attached is guidance concerning the EPA NEP Program review process. I am also discussing with those involved if there is any opening in the schedule for next week's site visit to meet with you and a few other interested community representatives as you suggested. Thanks! Sam

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United States Environmental Protection Agency

Sam Ziegler, Chief  
Watersheds Office (WTR-3)  
U.S. EPA Region 9, Water Division  
75 Hawthorne Street  
San Francisco, CA 94105  
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(415) 947-3537 (fax)  
[ziegler.sam@epa.gov](mailto:ziegler.sam@epa.gov) (email)  
See Region 9 watershed priorities at <http://www.epa.gov/region09/water/watershed/index.html>

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**From:** Konner, Thomas  
**Sent:** Friday, May 30, 2014 11:59 AM  
**To:** [jd@johnanthonydavis.com](mailto:jd@johnanthonydavis.com)  
**Cc:** Ziegler, Sam  
**Subject:** NEP Program Evaluation Team Mtg

Hello John,

Sam Ziegler is the manager of the EPA Region 9 National Estuary Program work. He should be able to respond to your inquiries. Sam is not in the office today but I believe he will be here on Monday. I have copied him on this email. His phone is 415-972-3399.

We appreciate your interest in protecting the environment,

Respectfully,

Tom Konner  
Environmental Engineer  
U.S. EPA WTR-4  
75 Hawthorne St.  
San Francisco, CA 94105  
415-972-3408